

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97433281 - VAST
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Attachments

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97433281

Mark: VAST

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Applicant: VAST SPACE, LLC

Reference/Docket No. N/A

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NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: December 17, 2023

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

This Office action is in response to applicant’s communication filed on September 20, 2023 in which the applicant deleted International Class 043 and proposes amendment to the identification of goods and services language. Upon review of the facts currently of record, the examiner finds the response

obviates the refusals to register under Section 2(d) and under Sections 1&45 of the Trademark Act for Class 040& 042.

Upon further review of the facts currently of record, the examiner finds that requirement for clarification of identification language for International Class 041 was inadvertently omitted from previous Office action. The examiner apologizes for the delay in raising this issue and for any inconvenience resulting from this delay.

The examiner also finds that the following amended identification language remains indefinite and/or improperly classified and hereby maintains the Requirement for Clarification and Proper Classification of Identification Language for the following reasons:

SUMMARY OF ISSUES CONTINUED:

- REQUIREMENT for Clarification and Proper Classification of Identification Language
- REQUIREMENT for Submission of Additional Class Fees or Restriction of Identification Language

NEW ISSUE -REQUIREMENT for Clarification of Identification Language for International Class 041

The following wording in bold is overly broad in that it can be in multiple classes: “**Rental, set-up, and management of entertainment and sports venues, facilities, and equipment; Rental, set-up, and management of entertainment and sports venues, facilities, and equipment** in space, at low and high altitude, and in other off-Earth locations” in the identification of goods is indefinite and must be clarified because it is unclear what type of equipment is being rented and overly broad in that the sports equipment rental can be in multiple classes. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant’s identification of services language may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different services or add services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

Applicant may address this issue by either (i) deleting the problematic language outlined herein or (ii) Substituting some or all of the following suggested amended wording, if accurate:

“Rental, set-up, and management of entertainment and sports venues, facilities, and **equipment, except vehicles**; Rental, set-up, and management of entertainment and sports venues, facilities, and **equipment, except vehicles** in space, at low and high altitude, and in other off-Earth locations.”

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). See TMEP §1402.04.

CONTINUED REQUIREMENT for Clarification and Proper Classification of Identification Language

PROPER CLASSIFICATION OF IDENTIFICATION LANGUAGE

Applicant has classified the following goods and/or services in the wrong International Classes:

"Extraterrestrial and off-Earth animal enclosures in the nature of prefabricated or modular... carbon fiber stables" and "Parts for extraterrestrial and off-Earth modular... carbon fiber habitat structures for human, animal, plant, and other biological life, biological samples, and biological agents, namely, modular... carbon fiber buildings" in International Class 006.

"rockets, space vehicles" in International Class 009.

However, the proper classification for each item is as follows:

"space vehicles" in International Class 012.

"rockets" in International Class 013.

"Extraterrestrial and off-Earth animal enclosures in the nature of prefabricated or modular carbon fiber stables" and "Parts for extraterrestrial and off-Earth modular... carbon fiber habitat structures for human, animal, plant, and other biological life, biological samples, and biological agents, namely, modular... carbon fiber buildings" in International Class 019.

Applicant may respond by (1) adding one or more international class(es) to the application, and reclassifying the above goods and/or services accordingly; or (2) deleting from the application the goods and/or services for all but the number of international class(es) for which the application fee was submitted. See 37 C.F.R. §§2.86(a), 6.1; TMEP §§1403.02 *et seq.* If applicant adds one or more international classes to the application, applicant must comply with the multiple-class application requirements specified in this Office action.

CLARIFICATION OF INDEFINITE IDENTIFICATION LANGUAGE

GOODS: The following identification wording in bold in the identification of goods is indefinite and must be clarified because it is indefinite as to the intended use, purpose for or form of the goods being produced. The bolded language is extraneous to the purpose/intended use for the actual Class 006 "floating docks of metal" goods. Extraneous identification language obfuscates the purpose of the identification language.

"Floating docks of metal for use in docking launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, **research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial and off-Earth habitats for human, animal, plant,**

and other biological life, biological samples, and biological agents;".

See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

The following wording in bold in the identification of language is indefinite and must be clarified because it is indefinite as to the intended use or purpose for the goods or the form of the goods being produced:

"Launch vehicles, spacecraft, rockets, space ...fleets, space stations" in International Class 009.

"Parts for launch vehicles, spacecraft, space vehicles and space vehicle fleets, namely, ...adapters for docking space vehicles;" in International Class 012. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

The wording *"Product development for third parties, namely, development of ...control systems, avionics systems"* in the identification of services is indefinite and must be clarified because it is indefinite as to the type of control and avionics systems that are being developed. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may clarify by either (i) Deleting the problematic language or (ii) Substituting some or all of the following suggested amended wording, if accurate:

"Product development, namely, development of propulsion systems, guidance systems, navigation systems, and {specify, function, e.g., climate, carbon dioxide fire suppression, engine electronic} control systems, avionics *electronics* systems, structures all for use for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life;

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IMPROPER EXPANSION OF SCOPE SET BY APPLICANT IDENTIFICATION LANGUAGE

GOODS: Particular wording in the proposed amendment to the identification is not acceptable because it exceeds the scope of the identification in the application. See 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.06 *et seq.*, 1402.07. Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the original identification in the application, and any previously accepted amendments, remain operative for purposes of future amendment. See 37 C.F.R. §2.71(a); TMEP §1402.07(d).

In this case, the application originally identified the goods and/or services as follows: "Satellites; Space stations; Extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Docking stations for docking launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Docking stations being part of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Parts for launch vehicles, spacecraft, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Environmental control and life support systems for launch vehicles, spacecraft, rockets, space vehicles

and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life.”

However, the proposed amendment identifies the following goods and/or services:

“research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents;” in International Class 009.

"Spacecraft modules for animal and human habitation and commercial research, manufacturing, and exploration system testing activities in space" in International Class 012.

This portion of the proposed amendment is beyond the scope of the original identification because there is no wording for "research modules", "spacecraft modules" or any other research facilities language appearing anywhere in the record for this application. While the term "spacecraft" is used in the original application language, it is always in a list of modifiers to specify the intended use/purpose for another good and never on its own.

Applicant may respond by (1) withdrawing this request to amend the identification, or (2) arguing that the proposed amendment does not exceed the scope of the identification in the application.

SERVICES:

Particular wording in the proposed amendment to the identification is not acceptable because it exceeds the scope of the identification in the application. *See* 37 C.F.R. §§2.32(a)(6), 2.71(a); TMEP §§805, 1402.06 *et seq.*, 1402.07. Applicant’s goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the original identification in the application, and any previously accepted amendments, remain operative for purposes of future amendment. *See* 37 C.F.R. §2.71(a); TMEP §1402.07(d).

Class 035: In this case, the application originally identified the Class 035 services as follows:

"Retail store services; Retail store services located in space, at low and high altitude, and in other off-Earth locations; Retail store services located in launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Retail store services featuring food, oxygen, water, general consumer merchandise, electronics and electrical products, and parts for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Providing fuel management services in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Fuel depots and fueling stations; Fuel depots and fueling stations located in space, at low and high altitude, and in other off-Earth locations; Providing business consultation services in the field of space access by humans and animals, improving space technology, and habitation by humans and animals in space, at low and high altitude, and in other off-Earth locations.

However, the proposed amendment identifies the following Class 035 services:

“Retail store services featuring food, oxygen, water, general consumer merchandise, electronics and electrical products, and parts for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Providing fuel logistics management in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Fuel depots and fueling station services, namely, retail rocket fuel supply services for launch vehicles, spacecraft, rockets, satellites, space vehicles and space vehicle fleets; Fuel depots and fueling station services, namely, retail rocket fuel supply services for launch vehicles, spacecraft, rockets, satellites, space vehicles and space vehicle fleets located in space, at low and high altitude, and in other off-Earth locations; Providing business consultation services in the field of space access industry for humans and animals, space technology business improvement planning, and space colonization and support industries producing habitation by humans and animals in space, at low and high altitude, and in other off-Earth locations; Business management consulting services in the field of the business management of temporary accommodation services and provision of food and drink services, hotel, bar, restaurant services, extended-stay hotels, temporary accommodation services, and residential hotel services, located in space, at low and high altitude, and in other off-Earth locations; Online and retail store services featuring the goods of third parties, namely, shirts, jackets, button down shirts, cardigans, coats, coats for men and women, sweaters, hooded pullovers, hooded sweat shirts, jackets, long sleeve pullovers, men's and women's jackets, polo shirts, pullovers, shirts and t-shirts, short-sleeved or long-sleeved t-shirts, short-sleeved shirts, sports jackets, sweatpants, socks and headgear, namely, hats, caps, visors, baseball caps and hats, caps with visors, beanies, posters, printed children's coloring pages, pens, pencils, decals and stickers, crossword puzzles and printed word search puzzles, temporary tattoo transfers, non-metallic and non-leather keychains, coasters not of paper and not being table linen, bottle openers, beverage glassware, namely, cups, mugs, drinking glasses, pint glasses, porcelain, namely, mugs, thermal insulated containers for beverages, insulated mugs, thermal insulated bottles sold empty, drinking glasses, namely, drinking tumblers, eyeglass cleaning cloths, decorative cloth patches, sunglasses, magnets, blank USB flash drives, mobile phone covers and displays, namely, fitted plastic film known as skins for covering and providing a scratch proof barrier or protection for mobile phones, calculators, protective covers and cases for tablet computers, graduated rulers, mobile phone charms, namely, accessory charms and decorative charms.”

Class 037: In this case, the application originally identified the Class 037 services as follows: "Maintenance services for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life."

However, the proposed amendment identifies the following Class 037 services [in relevant part]: "Maintenance services for space vehicles and space stations, ***docking stations and adapters, life-supporting habitats, research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents;."

CLASS 039:

In this case, the application originally identified the Class 039 services as follows:

"Travel services, namely, arranging low and high altitude flights and space flights; Launching commercial payloads of others in rockets and launch vehicles; Launching of spacecraft, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life for others; Transportation of goods for others; Utility services, namely, provision of universal utilities in the nature of electricity distribution and supply, water distribution and supply, oxygen distribution and supply, and life-support utilities distribution and supply; Utility services, namely, provision of universal utilities in launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Leasing of hangar space for and on launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Leasing of maintenance space being garage space for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Leasing of fixed and movable storage containers; Leasing of fixed and movable storage containers on launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life".

However, the proposed amendment identifies the following Class 039 services:

"Travel services, namely, coordinating the travel arrangements for individuals and groups for low and high altitude flights and space flights; Launching of spacecraft, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial*** and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents for others; Transportation of goods for others; Utility services, namely, provision of universal utilities in the nature of electricity distribution and supply, water distribution and supply, oxygen distribution and supply, and life-support utilities distribution and supply; Utility services, namely, provision of universal utilities in the nature of electricity distribution and supply, water distribution and supply, oxygen distribution and supply, and life-support utilities distribution and supply in launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial*** and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Leasing of hangar space for and on launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial*** and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Leasing of maintenance space being garage space for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial*** and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Leasing of fixed and movable storage containers to commercial and residential users; Leasing of fixed and movable storage containers to commercial and residential users on launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted, and extraterrestrial*** and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents."

CLASS 040:

In this case, the application originally identified the Class 040 services [in relevant part] as follows: "Custom development, manufacturing, and building of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life."

However, the proposed amendment identifies the following Class 040 services: "Custom development, manufacturing, and building of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites and space stations, and *consumer products necessary to support space access by humans, for third parties*"

CLASS 042:

In this case, the application originally identified the Class 042 services as follows:

"Scientific research; Engineering; Scientific and technical consulting, research and development, engineering, design, and prototyping services in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Scientific and technical consulting, research and development, engineering, design, and prototyping services in the fields of aerospace engineering, propulsion systems, guidance, navigation, and control systems, avionics, robotic devices, structures for space applications, environmental control and life support systems, spacesuits, extravehicular mobility units (EMU), exploration extravehicular mobility units (xEMU), materials science, life sciences, human and animal habitation in space, and space science; Computer software design and development services in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Computer software design and development services in the field of aerospace engineering, propulsion systems, guidance, navigation, and control systems, avionics, robotic devices, structures for space applications, environmental control and life support systems, spacesuits, extravehicular mobility units (EMU), exploration extravehicular mobility units (xEMU), materials science, life sciences, human and animal habitation in space, and space science; Integration of environmental control and life support systems for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Systems development, namely, propulsion systems, guidance, navigation, and control systems, avionics, structures for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life; Technical, scientific and consulting services for conducting technical, research, and manufacturing activities in space, at low and high altitude, and in other off-Earth locations; Development and establishment of testing specifications and procedures in the field of space exploration systems; Providing facilities in space to support research and exploration system testing, namely, providing specialized scientific research and technological exploration system testing facilities; Hosting file and data servers for third parties; Hosting file and data servers for third parties in space, at low and high altitude, and in other off-Earth location"

However, the proposed amendment identifies the following Class 042 services:

"Product research and development for others in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Scientific research for third parties; Engineering for third parties; Scientific consulting and research and technical consulting, product research and development, engineering, new product design services, and custom design of prototypes services for third parties, all in the fields of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Scientific consulting and research and technical consulting, product research and development, engineering, new product design, and custom design of prototypes services for third parties, all in the fields of aerospace engineering, propulsion systems, guidance, navigation, and control systems, avionics, robotic devices, structures for space applications, environmental control and life support systems, spacesuits, extravehicular mobility units (EMU), exploration extravehicular mobility units (xEMU), materials science, life sciences, human and animal habitation in space, and space science; Computer software design and development services for third parties in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Computer software design and development services for third parties in the field of aerospace engineering, propulsion systems, guidance, navigation, and control systems, avionics, robotic devices, structures for space applications, environmental control and life support systems, spacesuits, extravehicular mobility units (EMU), exploration extravehicular mobility units (xEMU), materials science, life sciences, human and animal habitation in space, and space science; Integration for third parties of computer systems and networks for control of environmental control and life support systems for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Product development for third parties, namely, development of propulsion systems, guidance systems, navigation systems, and control systems, avionics electronics systems, structures all for use for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, ***research modules being orbital facilities in which third party scientific experiments can be conducted***, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Technical consulting and scientific consulting and research for third parties in the fields of technical, research, and manufacturing activities in space, at low and high altitude, and in other off-Earth locations; Development and establishment of testing specifications and procedures for third parties in the field of space exploration systems; Providing facilities for scientific research in space in the nature of specialized scientific research and technological exploration system testing facilities; Infrastructure as a service (IAAS) services, namely, hosting servers in the nature of file servers and data servers for use by others in space, at low and high altitude, and in other off-Earth locations".

This portion of the proposed amendment is beyond the scope of the original identification because the language in bold and italicized in the proposed amended language does not appear anywhere in the identification language in the application, thus both constitute improper expansions of the scope of the listed services.

Applicant may respond by (1) withdrawing this request to amend the identification, or (2) arguing that the proposed amendment does not exceed the scope of the identification in the application.

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

Applicant may address the remaining issues outlined herein by either (i) Deleting the problematic language or (ii) Amending the identification language to the proper class and some or all of the following suggested amended language, if accurate:

Please note that parentheses are not acceptable in the identification. *See* TMEP Section 1402.12. Where the wording “**{specify ...}**” appears in this Office Action, the examining attorney has merely suggested ways to cure the indefiniteness of the identification. The applicant must list the goods and/or services without parentheses.

INTERNATIONAL CLASS

006

Extraterrestrial and off-Earth habitats, namely, modular metal structures with flexible covers for agricultural, commercial or industrial storage for animals, plants, and other biological life, biological samples, and biological agents; Extraterrestrial and off-Earth animal enclosures in the nature of prefabricated or modular metal stables; Extraterrestrial and off-Earth habitats for humans, namely, modular metallic buildings; Floating docks of metal for use in docking launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations and ***orbital*** research ***facilities*** modules; Parts for extraterrestrial and off-Earth modular metal habitat structures for human, animal, plant, and other biological life, biological samples, and biological agents, namely, modular metallic buildings.

INTERNATIONAL CLASS 009

Satellites; Portable life support systems for space travel comprised of oxygen supply cell stacks, water deionizer beds to produce oxygen, oxygen circulating pumps, face mask separators and controls and parts therefore for use in launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats.

INTERNATIONAL CLASS 012

Space vehicles; *Space* launch vehicles; Spacecraft, *namely, space vehicles; Space vehicles, namely,* rockets; Parts for launch vehicles, spacecraft, space vehicles and space vehicle fleets, namely, rockets, rocket engines, and *space vehicle-mounted* adapters for *use in* docking space vehicles.

INTERNATIONAL CLASS 013

Rockets.

INTERNATIONAL CLASS 019

Extraterrestrial and off-Earth animal enclosures in the nature of prefabricated or modular carbon fiber stables; Parts for extraterrestrial and off-Earth modular carbon fiber habitat structures for human, animal, plant, and other biological life, biological samples, and biological agents, namely, modular carbon fiber buildings.

INTERNATIONAL CLASS 035

Retail store services featuring food, oxygen, water, general consumer merchandise, electronics and electrical products, and parts for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Providing fuel logistics management in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Fuel depots and fueling station services, namely, retail rocket fuel supply services for launch vehicles, spacecraft, rockets, satellites, space vehicles and space vehicle fleets; Fuel depots and fueling station services, namely, retail rocket fuel supply services for launch vehicles, spacecraft, rockets, satellites, space vehicles and space vehicle fleets located in space, at low and high altitude, and in other off-Earth locations; Providing business consultation services in the field of space access industry for humans and animals, space technology business improvement planning, and space colonization and support industries producing habitation by humans and animals in space, at low and high altitude, and in other off-Earth locations; Business management consulting services in the field of the business management of temporary accommodation services and provision of food and drink services, hotel, bar, restaurant services, extended-stay hotels, temporary accommodation services, and residential hotel services, located in space, at low and high altitude, and in other off-Earth locations; Online and retail store services featuring the goods of third parties, namely, shirts, jackets, button down shirts, cardigans, coats, coats for men and women, sweaters, hooded pullovers, hooded sweat shirts, jackets, long sleeve pullovers, men's and women's jackets, polo shirts, pullovers, shirts and t-shirts, short-sleeved or long-sleeved t-shirts, short-sleeved shirts, sports jackets, sweatpants, socks and headgear, namely, hats, caps, visors, baseball caps and hats, caps with visors, beanies, posters, printed children's coloring pages, pens, pencils, decals and stickers, crossword puzzles and printed word search puzzles, temporary tattoo transfers, non-metallic and non-leather keychains, coasters not of paper and not being table linen, bottle openers, beverage glassware, namely, cups, mugs, drinking glasses, pint glasses, porcelain, namely, mugs, thermal insulated containers for beverages, insulated mugs, thermal insulated bottles sold empty, drinking glasses, namely, drinking tumblers, eyeglass cleaning cloths,

decorative cloth patches, sunglasses, magnets, blank USB flash drives, mobile phone covers and displays, namely, fitted plastic film known as skins for covering and providing a scratch proof barrier or protection for mobile phones, calculators, protective covers and cases for tablet computers, graduated rulers, mobile phone charms, namely, accessory charms and decorative charms.

INTERNATIONAL CLASS 037

Maintenance services for space vehicles and space stations, and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Custom building construction services, namely, custom-building of extraterrestrial and off-Earth homes for humans and habitats for animal, plant, and other biological life, biological samples, and biological agents.

INTERNATIONAL CLASS 039

Travel services, namely, coordinating the travel arrangements for individuals and groups for low and high altitude flights and space flights; Launching of spacecraft, space vehicles and fleets, satellites, space stations, and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents for others; Transportation of goods for others; Utility services, namely, provision of universal utilities in the nature of electricity distribution and supply, water distribution and supply, oxygen distribution and supply, and life-support utilities distribution and supply; Utility services, namely, provision of universal utilities in the nature of electricity distribution and supply, water distribution and supply, oxygen distribution and supply, and life-support utilities distribution and supply in launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Leasing of hangar space for and on launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Leasing of maintenance space being garage space for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Leasing of fixed and movable storage containers to commercial and residential users; Leasing of fixed and movable storage containers to commercial and residential users on launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents.

INTERNATIONAL CLASS 040

Custom development, manufacturing, and building of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, ***and*** space stations for human, animal, plant, and other biological life.

INTERNATIONAL CLASS 041 [AS PER NEW

ISSUE GUIDANCE]

Education services, namely, providing tutoring, educational demonstrations, and educational information in the field of space access by humans and improving space technology; Rental, set-up, and management of entertainment and sports venues, facilities, and ***equipment, except vehicles***; Rental, set-up, and management of entertainment and sports venues, facilities, and ***equipment, except vehicles*** in space, at low and high altitude, and in other off-Earth locations.

INTERNATIONAL CLASS 042

Product research and development for others in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Scientific research for third parties; Engineering for third parties; Scientific consulting and research and technical consulting, product research and development, engineering, new product design services, and custom design of prototypes services for third parties, all in the fields of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Scientific consulting and research and technical consulting, product research and development, engineering, new product design, and custom design of prototypes services for third parties, all in the fields of aerospace engineering, propulsion systems, guidance, navigation, and control systems, avionics, robotic devices, structures for space applications, environmental control and life support systems, spacesuits, extravehicular mobility units (EMU), exploration extravehicular mobility units (xEMU), materials science, life sciences, human and animal habitation in space, and space science; Computer software design and development services for third parties in the field of launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Computer software design and development services for third parties in the field of aerospace engineering, propulsion systems, guidance, navigation, and control systems, avionics, robotic devices, structures for space applications, environmental control and life support systems, spacesuits, extravehicular mobility units (EMU), exploration extravehicular mobility units (xEMU), materials science, life sciences, human and animal habitation in space, and space science; Integration for third parties of computer systems and networks for control of environmental control and life support systems for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and extraterrestrial and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Product development for third parties, namely, development of propulsion systems, guidance systems, navigation systems, and **{specify, function, e.g., climate, carbon dioxide fire suppression, engine electronic}** control systems, avionics ***electronics*** system structures all for use for launch vehicles, spacecraft, rockets, space vehicles and fleets, satellites, space stations, and off-Earth habitats for human, animal, plant, and other biological life, biological samples, and biological agents; Technical consulting and scientific consulting and research for third parties in the fields of technical, research, and manufacturing activities in space, at low and high altitude, and in other off-Earth locations; Development and establishment of testing specifications and procedures for third parties in the field of space exploration systems; Providing facilities for scientific research in space in the nature of specialized scientific research and technological exploration system testing facilities; Infrastructure as a service (IAAS) services, namely, hosting servers in the nature of file servers and data servers for use by others in space, at low and high altitude, and in other off-Earth locations.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). See TMEP §1402.04.

REQUIREMENT for Submission of Additional Class Fees or Restriction of Identification Language

The application identifies goods and/or services that are classified in at least eleven (11) classes; however, applicant submitted a fee(s) sufficient for only nine (9) classes. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2), (b)(2); TMEP §§810.01, 1403.01. For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least eleven (11) classes; however, applicant submitted a fee(s) sufficient for only nine (9) classes. Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

How to respond: File a [request form for reconsideration of this final Office action](#) that fully resolves all outstanding requirements and/or refusals and/or file a timely [appeal form to the Trademark Trial and Appeal Board](#) with the required fee(s). Alternatively, applicant may file a [request form for an extension of time to file a response](#) for a fee.

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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on December 17, 2023 for
U.S. Trademark Application Serial No. 97433281

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.